

APPEAL NO. 040265  
FILED MARCH 26, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was opened on September 10 and continued on November 13, 2003, with the record closing on January 5, 2004. The hearing officer resolved the disputed issues by deciding that the compensable injury of \_\_\_\_\_, does not extend to and include a closed head injury, cognitive deficits, and psychological problems, and that the respondent (self-insured) did not waive the right to contest the extent of the compensable injury of \_\_\_\_\_. The appellant (claimant) appealed the extent-of-injury determination, essentially on sufficiency of the evidence grounds. The self-insured responded, urging affirmance. The carrier waiver determination was not appealed and has become final pursuant to Section 410.169.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on \_\_\_\_\_. At issue was whether the compensable injury extended to include a closed head injury, cognitive deficits, and psychological problems. These questions presented questions of fact for the hearing officer to resolve. The hearing officer is the trier of fact and is the sole judge of the relevance and materiality of the evidence and of the weight and credibility to be given to the evidence. Section 410.165(a). Where there are conflicts in the evidence, the hearing officer resolves the conflicts and determines what facts the evidence has established. The Appeals Panel will not disturb the challenged factual findings of a hearing officer unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). The hearing officer was not persuaded that the claimant established a causal connection between the compensable injury of \_\_\_\_\_, and the claimant's alleged closed head injury, alleged cognitive deficits, and alleged psychological problems. Nothing in our review of the record reveals that the hearing officer's determination in that regard is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb the disability determination on appeal. Cain, supra. We find no merit in the claimant's contention that the hearing officer must have never taken the time to read various medical reports. The hearing officer specifically noted that all of the evidence was considered in making his findings of fact and conclusions of law.

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Robert W. Potts  
Appeals Judge

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Edward Vilano  
Appeals Judge